

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Kevin Rocheville

v.

Thomas Goulden,
Matthew Keenlside,
Allison Caprigno, and
Town of Pelham, NH

Civil Action No. 19-CV-01169-AJ

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

NOW COME Defendants Thomas Goulden, Matthew Keenlside, Allison Caprigno and Town of Pelham, through counsel, and pursuant to Fed. R. Civ. P. 12(b)(6) move for summary judgment on each claim asserted against them. In support hereof, Defendants rely upon the accompanying Memorandum of Law and further state as follows:

1. This case arises of the arrest and prosecution of Plaintiff under RSA 644:8 – New Hampshire's animal cruelty statute. As set forth in the accompanying papers, that arrest was supported by probable cause following an investigation and execution of a court-approved search warrant at Plaintiff's home.

2. Plaintiff broadly asserts that notwithstanding those findings, his arrest was actually orchestrated by one-time Pelham police officer (and Defendant) Thomas Goulden. Based thereon, he brought a wide range of state and federal claims against a half dozen Pelham officers and employees.¹

¹ Several of those parties have been dismissed, leaving the Town and three current or former officers against whom eleven Counts are pending collectively.

3. Goulden, however, had left the department nearly two years before Plaintiff's arrest and had no role in the investigation into him.

4. Moreover, the arrest and prosecution of Plaintiff was supported probable cause.

5. As such, each Defendant is entitled to summary judgment on the claims they face.

6. In particular, Defendants are entitled to summary judgment on the federal claims (Counts I & II) because the undisputed facts do not support a claim for violation of substantive due process or establish a civil conspiracy and because the existence of probable cause defeats his claims.

7. The state law claims equally fail under the facts, largely because probable cause existed to support the arrest and prosecute Plaintiff. In addition, Plaintiff has not specified any statements that are defamatory and there are insufficient facts to support timely claims for battery or invasion of privacy.

8. Under these circumstances, each of the remaining Defendants is entitled to summary judgment.

WHEREFORE, Defendants respectfully requests that this Court:

- A. Grant the instant motion and enter summary judgment on all claims; and
- B. Grant such further relief as justice requires.

Respectfully submitted,

**THOMAS GOULDEN,
MATTHEW KEENLISIDE,
ALLISON CAPRIGNO and
TOWN OF PELHAM**

By their Attorneys,

CULLENCOLLIMORE, PLLC

Dated: July 21, 2021

By: /s/ Brian J.S. Cullen
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CERTIFICATE OF SERVICE

I certify that a copy of this filing was served via the Court's ECF filing system upon counsel of record.

Dated: July 21, 2021

/s/ Brian J.S. Cullen
Brian J.S. Cullen